

## REMARKS

This Amendment responds to the Office Action mailed on January 9, 2004. Claims 1, 2, 5-8, 13, and 17-24 are pending. Claims 1 and 13 have been amended, claims 3-4, 9-12 and 14-16 have been canceled, and claims 17-24 have been added.

### Anticipation Rejection Over The Weber Patent

Claims 1-3, 5-8 and 13 stand rejected as being anticipated under 102(e) by Weber et al. 6,343,212 ("the Weber patent"). Applicant respectfully traverses this rejection.

The Weber patent describes the use of conventional system information messages for the transmission of the mode change information. The mode change information is said to be able to initiate a "silent mode" in which audible signals are suppressed and replaced by vibrating signals or other non-audible signals. Although a "silent mode" can be achieved in the Weber system, Weber uses complex system information messages to convey mode change information rather than a binary state machine as in the claimed invention.

Claim 1 has been amended to more clearly recite a methodology in which mode change is achieved by writing a binary value to a buffer memory, with the binary value signifying a quiet mode of operation. The amended claim is now more specifically directed to a "method for automatically placing the device in a quiet mode of operation" in which a control signal is generated when a broadcast signal is detected. The control signal causes a first binary value to be written to a buffer memory, which binary value signifies the quiet mode of operation. The claimed method further recites "controlling a state of an alert mode switch based on the contents of the buffer memory, so as to energize the vibrator in response to the incoming message when the binary value in the buffer memory is the first binary value."

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Insofar as such a switching and memory management method is not taught or suggested by Weber, or any of the other cited references, reconsideration and allowance of claim 1 is requested.

Reconsideration and allowance of claims 2 and 5-8 are requested on the basis of their dependence from an allowable amended claim 1.

With regard to claim 13, corresponding amendments to those in claim 1 add structure to the claimed device, which is not taught or suggested by Weber. Allowance of claim 13 is requested.

#### **Obviousness Rejection of Claims 4, 9-12 and 14-16**

Claims 4, 9-12 and 14-16 have been canceled, thereby rendering the rejections of these claims moot.

#### **Newly Presented Claims**

Claims 17-24 have been presented to more completely cover the subject matter of Applicant's invention. Claim 17 adds another writing step, which populates the buffer memory so as to energize the acoustic driver in response to the incoming message. Claim 18 has the second binary value is stored in a user-set alert mode memory. Claim 19 adds the step of writing the second binary value when the broadcast squelch signal ceases being detected. Claim 20 has the detecting step monitoring a header of the incoming message for inclusion of the broadcast squelch signal. Claim 21 restricts the buffer memory to store only one bit. Claims 22 and 23 add to the device of claim 13, respectively, a circuit and a software program that populate the buffer memory with the contents of the alert-mode memory-cell when the broadcast squelch signal ceases being detected. Claim 24, like new claim 21, defines the buffer memory as a single bit storage cell.

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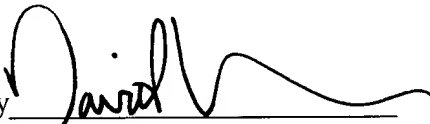
### Concluding Remarks

The pending independent claims define over the Weber patent and any combination of cited references. Allowance of all claims is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if that will expedite allowance of this application.

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Respectfully submitted,

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